



P.O. Box 1450
Alexandria VA 22313-1450
Fax: (571) 273-8300

Best Available Copy

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent Number: 6,310,036

Application Number: 09/227,400

Issue Date: October 30, 2001

Filing Date: January 9, 1999

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

The above-identified patent:

☐ is a reissue of original Patent No. _____ original issue date _____
original application number _____
original filing date _____

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application
_____ filed on _____

2012 SEP 13 PM 4:17

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

July 7, 2012
Date

Kathleen R. Terry
Signature

Kathleen R. Terry

Typed or printed name of person signing Certificate

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ <u>1425</u>	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 1425

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 700

5. MANNER OF PAYMENT

- ☒ Enclosed is a check for the sum of \$ 2435.00
- ☐ Please charge Deposit Account No. _____ the sum of \$ _____
- ☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

- ☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. _____

2012 SEP 13 PM 4: 7

USPTO

OR



Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

Kathleen R. Perry
Signature(s) of Petitioner(s)

6 Sept. 2012
Date

Dr. Linda Shecterle, President for LCTA

Typed or printed name(s)

Kathleen R. Perry

31, 884
Registration Number, if applicable

10965 53rd Avenue North

Address

763-473-3007

Telephone Number

Plymouth, Minnesota 55442

Address

2012 SEP 13 PM 4:17

SEP 10

ENCLOSURES:

Maintenance Fee Payment



Statement why maintenance fee was not paid timely



Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)



Other: Letter of June 13 2012 from the Office of Petitions

Kathleen R. Terry
Signature
Kathleen R. Terry
Type or printed name

7 July 2012
Date
31884
Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

United States Patent Number 6,310,036 issued on October 30, 2001 and went abandoned on October 9, 2009 for failure to pay the second maintenance fee. Abandonment was unavoidable.

The '036 patent was filed on January 9, 1999, by Dr. David A. Browdie, sole inventor and president of Last Chance Tissue Adhesives, Inc., (LCTA) the assignee of record. The attorney of record, Louis C. Cullman of the firm of Oppenheimer Wolff Donnelly filed, prosecuted and maintained the patent through first maintenance fee. Dr. Browdie and LCTA relied upon the attorney of record to notify him or the company as to any additional post-issuance matters. Neither Dr. Browdie nor LCTA has ever received any such notices.

In the latter part of 2011, Dr. Linda Shecterle, now president of LCTA, was informed by an unrelated third party that the patent had gone abandoned because of non-payment of the second maintenance fee. Dr. Shecterle promptly ascertained that the patent was abandoned, and with guidance from the USPTO web site, filed a petition to accept a delayed maintenance fee for a patent unintentionally abandoned, under 35 U.S.C. § 41 (b), on April 5, 2012. The petition was denied by letter of June 13, 2012.

It is noted that the attorney Louis C. Cullman is now a member of the firm K & L Gates. Perhaps there was an inadvertent failure of transfer of files. It is also noted that Dr. David Browdie, sole inventor and former president of LCTA, is elderly and in poor health.

It was an error to claim unintentional abandonment; the abandonment was unavoidable to LCTA because: (1) the attorney of record failed to either pay the fee or notify LCTA that the fee was due and (2) LCTA was not aware that a post-issuance fee was due.

For these reasons, LCTA respectfully requests revival of the '036 patent.

Enclosed is a Power of Attorney appointing Kathleen R. Terry as Attorney of Record.

(Please attach additional sheets if additional space is needed)

2012 SEP 13 PM 4:17



Last Chance Tissue Adhesive, Inc

10965 53rd Ave N.

Plymouth, MN 55442

04 September 2012

Sherry D. Brinkley

Petitions Examiner

Mail Stop PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RE: USPN: 6,310,036

2012 SEP 13 PM 4:17
USPTO
COMMUNICATIONS
SECTION

Dear Ms. Brinkley;

This letter is meant to inform you of my status with Last Chance Tissue Adhesives Corporation (LCTA). I was elected President, within the last two years, by the shareholders of LCTA to bring this technology to the marketplace.

The related petition for revival for an unavoidably abandoned patent was dismissed by your office due to deficiencies in the formalities. We hope the enclosed documents correct these deficiencies. We look forward to revival of this patent.

Thank you in advance,

Linda M. Shecterle
Linda M. Shecterle, PhD

President

LCTA



Best Available Copy

PTO/SB/81 (01-09)
Approved for use through 11/30/2011. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY
OR
REVOCATION OF POWER OF ATTORNEY
WITH A NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	09/227,400
Filing Date	January 9, 1999
First Named Inventor	David A. Browdie
Title	
Art Unit	
Examiner Name	
Attorney Docket Number	

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☐ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

OR
☒ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number
Kathleen R. Terry	31884

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☒ Firm or Individual Name

Linda M. Shecterle, President for LCTA

Address

10965 53rd Avenue North

City

Plymouth

State

MN

Zip

55442

Country

USA

Telephone

763-473-3007

Email

I am the:

☐ Applicant/Inventor.

OR

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____

SIGNATURE of Applicant or Assignee of Record

Signature

Linda M. Shecterle

Date

07/01/2012

Name

Linda M. Shecterle

Telephone

763-473-3007

Title and Company

President for Last Chance Tissue Adhesives Corporation

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

2012 SEP 13 PM 4:17

USPTO